REMARKS

Reconsideration is respectfully requested.

Claims 1, 13-19, 21-22, and 31-32 were rejected under 35 U.S.C. 102(e) as being anticipated by Basso et al. (6,690,678). Claim 63 was allowed and claims 2-12, 20, 23-30 and 33-62 were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses. The present application discloses a system and method wherein a broadband bandwidth allocation service manager allows a broadband subscriber to selectively negotiate temporary (or permanent) bandwidth increases in cases where the subscriber is doing something like videoconferencing, receiving or transmitting a multimedia presentation, heavy downloading, etc. In preferred embodiments, a web interface allows the subscriber to dial in the required bandwidth settings, agree on a price, and implement the bandwidth increase.

The Basso reference is directed to an ATM system wherein a Backbone Bandwidth Management Server (BBMS) (Fig. 18) is programmed to make dynamic bandwidth adjustments of continuous bit rate (CBR) virtual path connections (VPC) within an ATM backbone network according to fluctuations in voice traffic switched virtual circuits (SVC). See col. 16, ll. 15-17. Unlike independent the rejected claims, and particularly independent claims 1 and 32, there is no "requestor" that makes "broadband allocation adjustment requests" to the BBMS. Review of Figs. 9 and 19, col. 17, ll. 56-67, and col. 18, ll. 1-22 of Basso, as cited in paragraph 2(b) of the Office Action, does not indicate the presence of such a requestor. As set forth in the discussion of the Fig. 19 flow chart at col. 17, l. 55 – col. 18, l. 22, the BBMS receives only a baseline initial bandwidth request BI_j, not a bandwidth adjustment request. Bandwidth adjustments to BI_j,
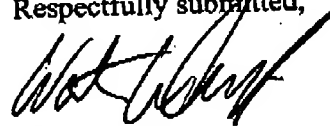
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are calculated by the BBMS based on its monitoring of traffic conditions, not based on a request for a bandwidth allocation adjustment from a requestor.

Insofar as Basso does not disclose all of the elements of amended claim 1, the anticipation rejection under 35 U.S.C. 102(e) cannot be sustained. Nor would an obviousness rejection under 35 U.S.C. 103 be appropriate on the basis of Basso insofar as there is no teaching or suggestion therein that the BBMS should be redesigned to accept outside bandwidth adjustment requests.

In view of the foregoing, Applicant respectfully requests that all rejections be withdrawn and that Notices of Allowability and Allowance be duly issued.

Applicant directs attention to the **CHANGE OF CORRESPONDENCE ADDRESS** form enclosed herewith, and requests that his undersigned representative's new address information be entered into the file wrapper.

Respectfully submitted,

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